

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

NATIONAL UNION FIRE INSURANCE  
CO. OF PITTSBURGH, PA, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:18-mc-00048

SOUTHERN COAL CORPORATION

Defendant.

**ORDER**

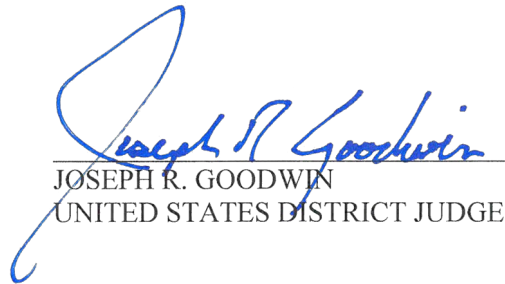
Pending before the court is the plaintiff's Motion for Appointment of Special Commissioner [ECF No. 20]. For the reasons that follow, the Motion is **GRANTED**.

Federal courts have held that a magistrate judge may serve in the role of a commissioner for purposes of conducting proceedings in aid of execution under West Virginia law. *See, e.g., U.S. Foodservice, Inc. v. Donahue*, No. 3:10-cv-00183, 2010 WL 5067939, at \*1–2 (S.D. W. Va. Dec. 3, 2010); *Chicago Pneumatic Tool Co. v. Stonestreet*, 107 F.R.D. 674, 675 (S.D. W. Va. 1985). Here, the plaintiff has taken numerous steps to enforce the judgment against Southern Coal Corporation, including a writ of execution, a suggestion, and service of post-judgment interrogatories. No portion of the judgment has been satisfied to date. Accordingly, pursuant West Virginia Code § 38–5–1, the court **APPOINTS** United States Magistrate Judge Dwane L. Tinsley to serve as commissioner in order to conduct

proceedings in aid of the execution of the plaintiff's judgment obtained against Southern Coal Corporation. Upon the plaintiff's ascertaining of a date and time convenient to Magistrate Judge Tinsley, the Clerk is **DIRECTED** to issue a summons, pursuant to Rule 4 of the Federal Rules of Civil Procedure, directing Southern Coal Corporation to appear at the specified date and time before Magistrate Judge Tinsley.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 2, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE